

Unified Regulatory Plan of the Department of Criminal Justice Services for Fiscal Year 2023

Prepared on September 19, 2022



Agency Summary

The Department of Criminal Justice Services (DCJS) is one of 11 agencies that falls within the Secretariat of Public Safety and Homeland Security in the Commonwealth of Virginia. The agency is charged with planning and carrying out initiatives, programs, and services in order to improve the function and effectiveness of the criminal justice system as a whole, and does this through planning, coordination, program development and evaluation, data and policy analysis, technical and financial assistance, training for criminal justice personnel, educators and school and campus safety personnel, as well as victims service providers. The Criminal Justice Services Board is the agency's policy board, which is comprised of representatives from various facets of the criminal justice system on both the state and local levels of government, as well as citizens. DCJS' primary constituents and stakeholders are local and state criminal justice agencies and practitioners, but the agency also serves private security professionals and businesses, private nonprofit agencies and advocacy groups and associations, as well as the citizens of the Commonwealth. DCJS is authorized to promulgate regulations for the administration of its responsibilities, pursuant to the Code of Virginia, Title 9.1, Chapter 1, Article 1.

Individual Regulatory Activities

As of September 2022, DCJS currently has 10 regulatory actions underway which include 12 of the agency's 25 current regulations housed within Virginia Administrative Code, and three newly promulgated regulations that originate from legislative mandates dating back to the Special Session I of 2020. During Fiscal Year 2023, DCJS plans to open four additional actions—two that will repeal regulations and two that will revise a current regulation, for a total of 19 of the 25 to undergo amendment. The agency anticipates that no less than 119 regulatory sections will ultimately be affected. DCJS also plans to update its list of agency Guidance Documents and ensure that all periodic reviews are up-to-date to comply with EO14 and § 2.2-4017. All actions for FY23 are detailed below in the prescribed tables.

Title of Proposed Regulatory Action or Guidance Document
Comprehensive Review and Update of the Compulsory In-Service Training Standards for Law Enforcement Officers, Jailors or Custodial Officers, Courtroom Security Officers, Process Service Officers, and Officers of the Department of Corrections, Division of Operations, affecting Chapter 6 VAC 20-30
Brief Overview
This regulatory action amends, revises, and enhances the current in-service training standards to reflect recently passed legislation, create cohesiveness with the compulsory minimum training standards for basic law enforcement recruits, and serves as a periodic review, as one has not been conducted in some time. The minimum number of hours of required for in-service training, as well as new areas of training such as working with individuals with disabilities, mental health needs or substance use disorders, and the lawful use of force and de-escalation techniques will also be included in the changes to 6 VAC 20-30-30. Additionally, a set minimum number of hours will also be dedicated to practical exercises, which is not currently within the regulation. DCJS is also anticipating the need to amend 6 VAC 20-30-50, to possibly include a form of allowable online in-service training as an option for certain topics, in addition to updating the FORMS section of this regulation to reflect relevant changes made. The process of revising this regulation is still ongoing, as the agency is currently meeting with workgroups comprised of subject matter experts, but the agency does expect to add an additional regulatory section for the in-service training requirements for dispatchers.

<p>This action’s NOIRA was submitted in May of 2021 and it was published in the Volume 38, Issue 5 of the Virginia Register in October of 2021. DCJS anticipates submission to the Proposed Stage in the next few months, once the work is complete and additional stakeholders have an opportunity to provide feedback.</p>	
<p>Regulatory Stage (check one box)</p>	<p><input type="checkbox"/> NOIRA <input checked="" type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule</p> <p><input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule</p>
<p>Additional Description</p>	<p><input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule</p> <p><input type="checkbox"/> Guidance Document</p>
<p>Legal Authority</p>	<p><input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute</p> <p><input checked="" type="checkbox"/> Discretionary action</p>
<p>Deregulatory Component</p>	<p>This action does not reduce regulatory requirements or compliance burdens but rather, updates outdated language and the minimum number of hours required, and replaces the existing outdated FORMS section, which is currently listed as the PIC-1 Form (rev. 11/05).</p>
<p>Expected Date</p>	<p>January 2023</p>

<p>Title of Proposed Regulatory Action or Guidance Document Comprehensive Review and Update of the Compulsory Minimum Training Standards for Jailors/Courtroom Security/Civil Process Officers, affecting Chapter 6 VAC 20-50</p>	
<p>Brief Overview This regulatory action revises and enhances the compulsory minimum training standards for jail officers, courtroom security, and civil process officers located within 6 VAC 20-50-20, the time requirement for completion in 6 VAC 20-50-40, and replaces the existing DIBR, to align with the newly-revised law enforcement training standards. This action serves a periodic review, as one has not been completed in some time. Additionally, the FORMS section of this regulation will also be revised to include updated requirements for these professionals’ field training. This action is largely based on a Job Task Analysis that was conducted in the Summer of 2022.</p> <p>This action’s NOIRA was submitted in May of 2021 and it was published in Volume 38, Issue 5 of the Virginia Register in October of 2021. DCJS anticipates submission to the Proposed Stage in the next few months, once the work is complete and additional stakeholders have an opportunity to provide feedback. The compulsory minimum training standards will be voted on in December 2022 for jail officers, but the agency anticipates courtroom security/civil process to take several months longer to allow for additional feedback and suggestions.</p>	
<p>Regulatory Stage (check one box)</p>	<p><input checked="" type="checkbox"/> NOIRA <input checked="" type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule</p> <p><input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule</p>
<p>Additional Description</p>	<p><input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule</p> <p><input type="checkbox"/> Guidance Document</p>
<p>Legal Authority</p>	<p><input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute</p> <p><input checked="" type="checkbox"/> Discretionary action</p>
<p>Deregulatory Component</p>	<p>This action does not reduce regulatory requirements or compliance burdens but rather, updates outdated language within the compulsory minimum training</p>

	standards, as well as provides updates to the various forms that these professions utilize to document deputies'/officers' field training.
Expected Date	March 2023

Title of Proposed Regulatory Action or Guidance Document Comprehensive Review and Update of the Compulsory Minimum Training Standards for Dispatchers, affecting Chapter 6 VAC 20-60	
Brief Overview This anticipated regulatory action will revise the compulsory minimum training standards for dispatchers, located within 6 VAC 20-60-20, and update the FORMS and DIBR sections, as well as serve as a periodic review. Although the last review and update of these standards was completed in early 2019, DCJS has found numerous grammatical errors and has identified the need to make many of the enumerated tasks more easily measureable. DCJS is also prepared to make the necessary additions to include the new MARCUS Alert information that is relevant to all 911 dispatchers. This potential action has not yet been submitted to the Criminal Justice Services Board for approval, but is expected to be on the agenda for such in the Spring of 2023.	
Regulatory Stage (check one box)	<input checked="" type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	This action will not reduce regulatory requirements or compliance burdens, but rather, will update outdated language within the compulsory minimum training standards, fix grammatical errors and a lack of measurability in certain performance outcomes and training objectives, as well as will provide updates to the FORMS and DIBR sections within this regulation.
Expected Date	May 2023

Title of Proposed Regulatory Action or Guidance Document Comprehensive Review and Update of the Rules Relating to Court-Appointed Special Advocates (CASA), affecting Chapter 6 VAC 20-160	
Brief Overview This anticipated action will revise and update all 10 sections of this regulation, ensuring that all Court-Appointed Special Advocates are in compliance with the most up-to-date requirements for training, meet the minimum screening and qualifications for appointment, and understand the confidential	

nature of their volunteer duties and responsibilities. Many of these sections have not been updated since 2008, so a comprehensive review is necessary. This action will also serve as a periodic review of the regulation, as one has not been conducted in some time.	
Regulatory Stage (check one box)	<input checked="" type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	This action will not reduce the regulatory requirements of the agency, but rather, will replace outdated language and simplify the requirements related to Court Appointed Special Advocates in the Commonwealth.
Expected Date	May 2023

Title of Proposed Regulatory Action or Guidance Document Repeal of the Rules Relating to School Security Officers, affecting Chapter 6 VAC 20-240	
Brief Overview This action will seek to utilize the Fast-Track process to repeal Chapter 6 VAC 20-240, as it is expected to be non-controversial. The Virginia Center for School and Campus Security division of DCJS will be seeking to instead, promulgate updates to what is currently housed within this Chapter, as a guidance document, thus also reducing the regulatory burden on the agency. This action to repeal the regulation in its entirety will affect all 12 regulatory sections, and is anticipated to be brought to the CJSB for approval to move forward in mid-October 2022, with submission the following month.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input checked="" type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	This action, which will repeal 6 VAC 20-240 in its entirety, will reduce the regulatory requirements and support the overall efforts toward regulatory reduction in the Commonwealth. It will lead to the promulgation a new guidance document for the agency, containing the relevant information and requirements related to School Security Officers.
Expected Date	November 2022

Title of Proposed Regulatory Action or Guidance Document Repeal of the Rules Relating to Campus Security Officers, affecting Chapter 6 VAC 20-270	
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Brief Overview	
This action will seek to utilize the Fast-Track process to repeal Chapter 6 VAC 20-270, as it is expected to be non-controversial. The Virginia Center for School and Campus Security division of DCJS will be seeking to instead, promulgate updates to what is currently housed within this Chapter, as a guidance document, thus also reducing the regulatory burden on the agency. This action to repeal the regulation in its entirety will affect all 14 regulatory sections, and is anticipated to be brought to the CJSB for approval to move forward in mid-October 2022, with submission the following month.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input checked="" type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	This action, which will repeal 6 VAC 20-270 in its entirety, will reduce the regulatory requirements and support the overall efforts toward regulatory reduction in the Commonwealth. It will lead to the promulgation a new guidance document for the agency, containing the relevant information and requirements related to Campus Security Officers.
Expected Date	November 2022

Title of Proposed Regulatory Action or Guidance Document	
Training Standards for School Resource Officers	
Brief Overview	
The Virginia Center for School and Campus Safety division of DCJS has been working with subject matter experts and facilitating a workgroup to establish training standards for School Resource Officers (SROs) who are sworn officers, employed by Sheriffs' Offices or Police Departments in the Commonwealth, and assigned to elementary, middle, high schools, and colleges in Virginia. DCJS anticipates the promulgation of this new guidance document in early 2023, after final departmental approval is given.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	This action will not reduce the regulatory requirements of the agency, but rather, will enhance the safety of some of the youngest citizens of Virginia by the

	promulgation of a guidance document containing standards and requirements to be utilized by employing Sheriffs' Offices or Police Departments for their SROs working in/on school campuses.
Expected Date	March 2023

Title of Proposed Regulatory Action or Guidance Document Training Standards for School Security Officers	
Brief Overview Upon the repeal of 6 VAC 20-240, the Virginia Center for School and Campus Safety division of DCJS anticipates continuing to work with subject matter experts to establish training standards and requirements for School Security Officers (SSOs) who are civilian, non-sworn individuals employed by schools and/or colleges. DCJS anticipates the promulgation of this new guidance document in early 2023, after final departmental approval is given.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	This action will not reduce the regulatory requirements of the agency, but rather, will enhance the safety of some of the youngest citizens of Virginia by the promulgation of a guidance document containing standards and requirements to be utilized by the employing schools and/or colleges.
Expected Date	March 2023

Title of Proposed Regulatory Action or Guidance Document Training Standards for Campus Security Officers	
Brief Overview Upon the repeal of 6 VAC 20-270, the Virginia Center for School and Campus Safety division of DCJS anticipates continuing to work with subject matter experts to establish training standards and requirements for Campus Security Officers (CSOs) who are civilian, non-sworn individuals employed by schools and/or colleges. DCJS anticipates the promulgation of this new guidance document in early 2023, after final departmental approval is given.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input checked="" type="checkbox"/> Guidance Document

	<input type="checkbox"/> Final Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input checked="" type="checkbox"/> Guidance Document <input type="checkbox"/> Exempt Rule
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Discretionary action <input type="checkbox"/> Action required by state statute
Deregulatory Component	This action will not reduce the regulatory requirements of the agency, but rather, will update the current guidance document, ensuring all constituents are receiving the most up-to-date information related to funding opportunities.
Expected Date	March 2023